

Exhibit A – Plaintiff's Complaint

Approved, SCAO

Original - Court
1st Copy - Defendant2nd Copy - Plaintiff
3rd Copy - Return**STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY****SUMMONS****CASE NO.
20-005308-NO
Hon. Annette J. Berry**

Court address : 2 Woodward Ave., Detroit MI 48226

Court telephone no.: 313-224-4679

Plaintiff's name(s), address(es), and telephone no(s)
Williams, Alicia

v

Defendant's name(s), address(es), and telephone no(s).
Lowe's Home Centers, Inc.**Plaintiff's attorney, bar no., address, and telephone no**Mark Edward Sisson 75250
31731 Northwestern Hwy Ste 333
Farmington Hills, MI 48334-1669**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☐ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court,

where it was given case number _____ and assigned to Judge _____.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date
4/15/2020Expiration date*
7/15/2020Court clerk
Rementa Canyon

Cathy M. Garrett- Wayne County Clerk.

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

MC 01 (9/19)

SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105



SUMMONS
Case No. : **20-005308-NO**

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

☐ I served personally a copy of the summons and complaint.

☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

_____ on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled \$	Fee \$	
Incorrect address fee \$	Miles traveled \$	Fee \$	Total fee \$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

20-005308-NO FILED IN MY OFFICE Cathy M. Garrett WAYNE COUNTY CLERK 4/15/2020 6:57 AM Rementa Canyon

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ALICIA WILLIAMS,

Plaintiff,

Case No: 2020 - - NO

HON.

v

LOWE'S HOME CENTERS INC.

Defendant.

MARK E. SISSON (P75250)
THE SAM BERNSTEIN LAW FIRM
Attorneys for Plaintiff
31731 Northwestern Hwy, Suite 333
Farmington Hills, MI 48334
(248) 985-0975/ Fax: (248) 737-1606
msisson@sambernstein.com
bwinston@sambernstein.com

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action not between these parties, arising out of the same transaction or occurrence as alleged in this Complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES Plaintiff, ALICIA WILLIAMS, by and through her attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by MARK E. SISSON, and for her cause of action against Defendant, LOWE'S HOME CENTERS INC., respectfully shows unto this Honorable Court as follows:

THE
SAM BERNSTEIN
LAW FIRM
31731 NORTHWESTERN HIGHWAY
SUITE 333
FARMINGTON HILLS,
MICHIGAN 48334-1669
(800) 225-5726
A PROFESSIONAL LIMITED
LIABILITY COMPANY

GENERAL ALLEGATIONS

1. That Plaintiff, ALICIA WILLIAMS, is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. That Defendant, LOWE'S HOME CENTERS INC., a foreign corporation, is licensed to conduct business in the County of Wayne, State of Michigan and is conducting business in the County of Macomb, State of Michigan.
3. That all the acts, transactions, and occurrences arose in the City of Harper Woods, County of Wayne, State of Michigan.
4. That the amount in controversy in this litigation exceeds the sum of Twenty-Five Thousand (\$25,000.00) Dollars exclusive of costs, interest and attorney fees.

COUNT I

5. That on or about the 30th day of December, 2017, Defendant, LOWE'S HOME CNETERS INC., was then and there the owner, operator, manager, possessor, and/or in control of the premises located at 19340 Vernier Road in the City of Harper Woods, County of Wayne, State of Michigan, commonly known as Lowe's Home Improvement, store number #1677.

6. That on the aforementioned date, Plaintiff, ALICIA WILLIAMS, was a business invitee lawfully upon the aforescribed premises and while carefully on the premises was struck by a large, unsecured display "candy cane" which fell onto your Plaintiff with great force, due to Defendant's negligence.

7. That at all times relevant hereto, the Defendant owed a duty to Plaintiff, who was lawfully upon the premises, to maintain its premises in a safe condition free from danger, to exercise reasonable care to diminish the hazards relating to the premises, and such duty further

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required that reasonable and appropriate measures, in light of existing and created circumstances, be taken to prevent dangerous conditions.

8. That at all times relevant hereto, the Defendant, LOWE'S HOME CENTERS INC., owed a duty to Plaintiff, ALICIA WILLIAMS, lawfully proceeding upon the premises to keep same in a safe condition, free from dangerous, defective conditions then and there existing.

9. That in total disregard of such duties, the Defendant, LOWE'S HOME CENTERS INC., at all times material herein, breached said duties in one or more of the following particulars, but not necessarily limited to, the following:

- a. Negligently, carelessly and recklessly creating a dangerous and hazardous condition to individuals who traverse said premises, to wit: large, unsecured, rolled carpet;
- b. Negligently, carelessly and recklessly maintaining their premises in a dangerous condition when it was known, or should have been known that the particular configurations and uses of their property posed a propensity toward the formation of a hazardous and unsafe condition, to wit: large, unsecured, rolled carpet;
- c. Negligently, carelessly and recklessly increasing the hazard of walking on the premises by the creation of the aforesaid defect and by failing to correct said situation;
- d. Negligently, carelessly and recklessly failing to keep the aisles within said premises properly clear and free from hazards after the affirmative acts of Defendant did create, cause and/or contribute to an unnatural defect as hereinbefore described;
- e. Negligently, carelessly and recklessly allowing an unnatural condition to remain on the premises so as to endanger those persons lawfully upon same;
- f. Negligently, carelessly and recklessly failing to repair a dangerous condition then and there existing on the premises;
- g. Negligently, carelessly and recklessly maintaining a hazardous condition on the Defendant's premises;

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- h. Negligently, carelessly and recklessly failing to provide Plaintiff with reasonable and safe means of necessary access in and about said business;
- i. Negligently, carelessly and recklessly failing to remove said defect after notice of the dangerous condition thereof;
- j. Negligently, carelessly and recklessly failing to use reasonable care to protect the Plaintiff and those like her from and against the hazards described herein;
- k. Negligently, carelessly and recklessly allowing said premises to become and remain in poor repair;
- l. Negligently, carelessly and recklessly failing to inspect said premises so as to discover a dangerous condition of which Defendant knew, or had reason to know, existed;
- m. Negligently, carelessly and recklessly failing to alleviate a dangerous condition which Defendant knew, or had reason to know, existed;
- n. Negligently, carelessly and recklessly failing to warn Plaintiff and those like her of the dangerous condition then and there existing;
- o. Negligently, carelessly, and recklessly allowing a rolled carpet to fall from a bin and strike Plaintiff, when Defendant knew or should have known that such unsecured carpet would cause Plaintiff to suffer injuries;
- p. Negligently, carelessly, and recklessly failing to warn Plaintiff of such unsecured carpet, so that Plaintiff could take evasive action;
- q. Negligently, carelessly, and recklessly failing to take reasonable precautions to assure the safety and welfare of other persons including Plaintiff while Plaintiff walked through the Defendant's aisle ways;
- r. Negligently, carelessly, and recklessly failing to take reasonable precautions to assure all stock on shelves and/or bins was secure while Plaintiff traversed the Defendant's premises;
- s. Negligently, carelessly, and recklessly performing Defendant's duties with willful and wanton disregard for the safety of Plaintiff;
- t. Negligently, carelessly, and recklessly increasing the hazard of walking on the premises by the aforesaid negligence and by failing to prevent the situation;

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- u. Negligently, carelessly, and recklessly failing to keep the premises and all common areas fit for the foreseeable uses;
- v. In otherwise negligently failing to exercise that degree of care, diligence, caution and reasonable precautions as would be demonstrated by a reasonably prudent person under the same or similar circumstances so as to prevent any risk of foreseeable harm to Plaintiff and those like her;
- w. In other manners of negligence currently unknown, but which will be ascertained through the course of discovery.

10. That as a direct and proximate result of the negligent acts and/or omissions on the part of the Defendant, LOWE'S HOME CENTERS, INC., Plaintiff, ALICIA WILLIAMS, was caused and will be caused in the future to suffer with severe, grievous and permanent personal injuries, disability and damages the full extent and character of which are currently unknown, but which will include, but are not necessarily limited to, the following:

- a. Injuries to and about the entire head and neck and back, including, ***concussion, nerve injuries, cervical radiculitis, headaches, closed head injury***, requiring surgical intervention, physical therapy, pain medications, a plethora of other medical treatment, and sequelae;
- b. Injuries to the head, entire neck, back, spine, all extremities and sequelae;
- c. Injuries to and about the entire musculoskeletal system and sequelae;
- d. Any and all other manners of internal and external injuries and sequelae;
- e. Pain, suffering, discomfort, disability, and extreme physical and emotional suffering;
- f. Severe and continuing embarrassment, humiliation, anxiety, tension and mortification;
- g. Aggravation of pre-existing medical conditions;
- h. Loss of the natural enjoyments of life;
- i. Loss of wages and/or earning capacity; and

- j. Expenditures for hospital, physicians, medicinal things and substances past, present and future.

WHEREFORE, Plaintiff, ALICIA WILLIAMS, prays that this Honorable Court award her damages against Defendant, LOWE'S HOME CENTERS, INC., in whatever amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars to which she is found to be entitled to receive, together with costs, interest and attorney fees.

JURY DEMAND

NOW COMES Plaintiff, ALICIA WILLIAMS, by and through her attorneys, THE SAM BERNSTEIN LAW FIRM, PLLC, by MARK E. SISSON, and hereby respectfully relies on the prior jury demand in the above-entitled cause of action.

Respectfully submitted,

THE SAM BERNSTEIN LAW FIRM, PLLC

/s/ Mark. E. Sisson

MARK E. SISSON (P75250)
THE SAM BERNSTEIN LAW FIRM, PLLC
Attorneys for Plaintiff
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Farmington Hills, MI 48334
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Dated: April 15, 2020

THE
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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ALICIA WILLIAMS,

Plaintiff,

Case No: 2020 - - NO

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LOWE'S HOME CENTERS INC.

Defendant.

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JURY DEMAND

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Respectfully submitted,

THE SAM BERNSTEIN LAW FIRM, PLLC

/s/ Mark. E. Sisson

MARK E. SISSON (P75250)
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Dated: April 15, 2020

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